



City of Carmel

CARMEL PLAN COMMISSION SUBDIVISION COMMITTEE

Minutes

TUESDAY, DECEMBER 6, 2005

**LOCATION: CAUCUS ROOMS
CARMEL CITY HALL
ONE CIVIC SQUARE
CARMEL, IN 46032**

**TIME: 6:00 P.M.
DOORS OPEN AT 5:30 P.M.**

Those Present:

Representing the Committee:

Dan Dutcher
Kevin Heber
Rick Ripma

Representing the Department:

Christine Barton-Holmes
Angie Conn

Of Counsel:

John Molitor

Rick Ripma called the meeting to order at 6:09p.m.

The Subdivision Committee will meet to consider the following items:

1. Docket No. 05110026 ADLS Amend: Parkwood Crossing East - American Family Insurance Signage

The applicant seeks approval for a new wall sign.

The site is located at 900 E 96th St. and is zoned as a PUD.

Filed by Mary Miller for Branham Sign.

The petitioner was delayed due to inclement weather. This agenda item was heard at 7:16 p.m.

Present for the Petitioner: Tom Branham with Branham Signs.

Petitioner's Presentation: Mr. Branham, of 127 Cyprus Street in Reynoldsburg, Ohio, said that he was representing the American Family Insurance and that he was there to answer any question they might have about the signage proposal.

Rick Ripma called for Staff comments.

Angie Conn said that she wanted to clarify where exactly the sign will be mounted. She said that the drawings in the packets show two different locations.

Mr. Branham said that it would be on the North elevation. He used a site plan to point out the exact location of the sign.

Angie Conn said that the Department recommended approval of the item.

Rick Ripma asked if the sign would black and backlit.

Mr. Branham responded that it would be black and backlit with white neon tubing.

Rick Ripma asked if it would be similar to the Smith Barney sign.

Mr. Branham responded that it would be similar.

Rick Ripma asked which location it was going in—the top or the middle.

Mr. Branham responded that it was going in the top.

Rick Ripma asked Angie Conn if the sign met all the requirements as proposed.

Angie Conn responded that it was part of the Parkwood Crossing East PUD and that the proposed sign complied with all the requirements.

Kevin Heber made formal motion to **approve** docket number 05110026 ADLS Amend: Parkwood Crossing East-American Family Insurance Signage.

Dan Dutcher seconded the motion.

The motion was approved 3-0.

- 2. Docket No. 05110027 ADLS Amend: National City Bank @ Weston Park**
The applicant seeks approval to replace white sign faces with green.
The site is located at 10570 N. Michigan Road and is zoned I1 within the US 421 Overlay.
Filed by Larry Kemper of Nelson and Frankenberger for National City Bank of Indiana

Present for the Petitioner: Larry Kemper with Nelson & Frankenberger and Jim Hall with National City Bank.

Petitioner's Presentation: Larry Kemper said that the Weston Park branch is located near the Southwest corner of the intersection 106th and Michigan Road. He said that it is just South of the National Bank of Indianapolis. He said that under Tab four of the Subdivision Committee Packet, he said that there is a photograph of the existing branch with the existing wall identification sign. He said that there is only wall identification sign and it is located on the Eastern elevation facing Michigan Road. He noted that the color of the facing of the lettering of the current sign is white. He said that the petitioner is requesting to change the color of the facing on the lettering from white to green. He said that as part of a national marketing strategy, National City wishes to change the color from white to green for their signage because it is their corporate standard. He said that no other aspect of the sign will change. He noted that under tab three of the brochure is the dimensions and building materials of the existing sign. He noted that tab five shows a photograph from another ranch that shows what the change will look like if the petitioner's request is granted.

Rick Ripma called for comments from the public. There were none.

Rick Ripma called for Staff comments.

Angie Conn said that the Department recommends that the Committee approve the request. She asked the petitioner if the sign would be shining white at night, or if the sign would be green at night.

Jim Hall responded that they wanted it to shine strictly green at night.

Rick Ripma called for committee comments. He said that the building was a fairly new building. He said that he had to assume that the petitioners wanted green in the first place. He asked the petitioners why they didn't do green.

Larry Kemper responded that they did want green. He said that at the time the project went through the DP/ADLS process originally, it was suggested to National City bank that the City had a preference for white lettering. He said that with that suggestion they filed the DP/ADLS with the white lettering. He said that the preference, however, was green at the time.

Angie Conn said that looking back at the meeting minutes, she thinks that there was slight confusion because the minutes stated that the Department requested white at night and she said that she thinks that they took that to mean white all day. She said that she thinks that they thought that was what was approved and, so they put all white up.

Dan Dutcher asked the Department if they still preferred White at night.

Angie Conn said that she thinks that would be a preference, but she said that she knows with some opaque colors it cannot be done.

Dan Dutcher said that the Committee has seen that solution. That the sign shows color during the day but shows white at night.

Larry Kemper noted that there were several other signs in the area that had color. He said that he didn't know if they showed white at night. He noted the Starbucks, National Bank of Indianapolis, and Walgreens in the area that had color signs.

Dan Dutcher said that he was familiar with the preference for white along the Meridian corridor, but he said that he didn't know if it carried over to Michigan or not. He said that the white, to him, is more a question of what is the department approach to be consistent.

Angie Conn said that she just knows that some colors cannot have the white at night.

Rick Ripma said that he knows that the committee has seen green with the white at night before.

Jim Hall said that the National City branding color is a specific copyrighted color of green. He said that how it got confused, he wasn't really sure, but he said that they were coming back, so that they could stay consistent

Rick Ripma clarified that staff was saying that when they originally came through the signage was approved as green during the day, but white letters at night.

Angie Conn said that she thought that was correct. She noted that it didn't specifically say green during the day, but she noted that it specifically said white at night. She said that she thinks that there may have been some confusion, but noted that she is only going by what the department report says.

Jim Hall said that he thinks that the important thing is that the petitioner is really not asking to be anymore than what other people in the area have. He said that they did not have a branch that had white at night but green during the day out of 190 branches in Indiana.

Discussion ensued about other signage in the area.

Rick Ripma said that he would like to see it be the opaque personally.

Jim Hall asked why the committee would ask National City to do something that they haven't asked everyone else to do.

Rick Ripma said that he wasn't sure that was the case. He said that there has to be a reason that National City was asked to do white originally. He said that when the building was done, the petitioners agreed that the sign would be white. He said that if the staff says that the committee and the Plan Commission agreed to white at night and green during the day, then he is okay with that.

Kevin Heber said that he did not want to get in this discussion again, so he said that the committee should either figure out what the policy is or delay the project until the committee knows what the policy is.

Jim Hall clarified that the staff position was that green was okay.

Larry Kemper asked the staff if there was a strong preference for white at night.

Angie Conn responded that she thinks that the whole white at night thing is to start a trend to have uniformity in the corridor at night and to not have all different colors as you are driving down at night. She said that some businesses have colors that are brighter than others, but she noted that it was ultimately up to the committee.

Dan Dutcher said that since Subdivision committee doesn't normally see signs, he said that he is not familiar with whether that same standard has been applied to other signs that have been approved since the original petition for National City came in or not. He said that's why he is a little bit reluctant to know which way to go on this. He said that after a certain time the approach has been color during the day and white at night approach has been taken, then he said that he thinks that they can come up with a compromise, but he said, if that hasn't been the approach, then he is sympathetic to the argument of why National City would be asked to do things that others in the area were not asked to do.

Angie Conn said that she thinks that the white at night has been done more with shopping mall strip centers where all the tenants are in one strip. She said that this is more of an outlot building with an individual identity.

Rick Ripma said that he knows how this always works and that these details are always worked out. He said that to come back and change it presents a petitioner with a good way to change the things that are negotiated. He said that he wants it to be consistent.

Kevin Heber said that he didn't feel that the committee had enough information. He said that if the committee knew that there were other outlot buildings that had the color that were recently approved, then he said that he would feel more comfortable.

Dan Dutcher said that he thought that he was comfortable with the white at night.

Rick Ripma said that he was also comfortable with that.

Kevin Heber agreed.

Larry Kemper said that the petitioner would be willing to green during the day and white at night. He said that he was assuming that was possible to do that.

Dan Dutcher asked Angie Conn to have the Department do some more research on what the standards being applied in there are.

Dan Dutcher made formal motion to **approve** docket number 05110027 ADLS Amend: National City Bank at Weston Park with the condition that the approval stipulate that the sign display green during the day with the screening, so that it shows white at night.

Kevin Heber seconded the motion.

Motion was approved 3-0.

3. Docket No. 05030024 PP: Sweet Charity Estates

The applicant seeks to plat 20 lots on 38.68 acres with the following subdivision waivers:

The site is located at the 1303 West 116th Street and is zoned S1/Residential

Filed by Paul Reis of Drewry Simmons Vornehm LLP for Nancy Irsay

Docket No. 05110011 SW: 6.03.07—Cul-de-Sac Length

To seek relief from the maximum permitted cul-de-sac length of 600 feet.

The site is located at the 1303 West 116th Street and is zoned S1/Residential

Filed by Paul Reis of Drewry Simmons Vornehm LLP for Nancy Irsay

Docket No. 05110013 SW: 6.03.19 —Access to Arterials, Parkways, and Collectors

To seek relief from houses fronting collector streets/200 foot required separation from collector streets.

The site is located at the 1303 West 116th Street and is zoned S1/Residential

Filed by Paul Reis of Drewry Simmons Vornehm LLP for Nancy Irsay

Docket No. 05110014 SW: 6.05.07— Lots located adjacent to arterial, parkway, or collector streets.

To seek relief from houses located adjacent to collector streets/200 foot required separation from collector streets.

The site is located at the 1303 West 116th Street and is zoned S1/Residential

Filed by Paul Reis of Drewry Simmons Vornehm LLP for Nancy Irsay

Present for the Petitioner: Paul Reis with Drewry Simmons and Mike DeBoy with DeBoy Land Development Services.

Petitioner's Presentation: Paul Reis said that his office address was 8888 Keystone Crossing Suite 1200. He said that page got left out of the information booklets. He commented that he would get that page to the committee members following the meeting. He said that they were discussing a subdivision on the Southeast corner of 116th and Ditch Road. He said that this was a preliminary plat. He said that unlike the other subdivisions that come through the committee, the petitioner is not intending on filing a final plat nor construction plans. He noted that those components were used when the petitioner is ready to start moving the dirt and building the houses. He said that the owners have not engaged in any way in the future development or construction of it. He said that the owners wanted to file the primary plat to consider the lot allocation as well as some of the subdivision waivers as filed. He noted that at the Plan Commission meeting there were some requests for some additional information. He said that the first one was to clarify the dates on the filing and the 116th Street overlay ordinance. He said that the initial plat was filed on March 12, 2005 and amended on April 6, 2005 and, then on April 18, 2005 the 116th Street overlay ordinance

was adopted by the City Council. Paul Reis said that Kevin Heber requested that the petitioner show the location of the existing trees with the proposed location of the detention ponds. He said that tab 3 had a picture that showed that. He said that he would to address some of the issues noted in the department report. He noted that there was a revised plat showing the compliant easements in the packets and on the board. He gave the committee some instruction on how the easements were delineated. He noted that he had not received comments from Scott on the landscaping easements. Paul Reis commented that the Department Report asked the petitioners to provide for the potential developments of the property to the South and to the East by providing stub streets. He said that the property to the North is a large estate with access long Ditch Road and 116th Street. He said that at this point he saw no merit in creating a dead end street that leads to a private estate. He said that at final plat stage this can certainly be considered. He said that the property to the south has been completely developed with the lots of the Queens Manor subdivision. He said that the stub street to the south would lead nowhere. He said that the property to the East is the former Hilbert estate. He noted that we don't know what will happen to that. He said that the petitioner would be happy to commit to reconsider putting a stub street in when and if a final plat comes forward if the Hilbert estate is being developed into residential. He said that the concern is creating dead end streets. He said that the next item had to do with detention volume. He said that was a final plat stage issue that could be worked out at that time. He noted that one issue was widening the street. He said that as indicated on the plat the necessary dimensions for acceleration and deceleration lanes at both locations. He said that the widening of the street and the details associated with that would come at the final plat stage. He said that the milling and resurfacing and the stone shoulder on Clay Creek, the creek that goes through there, and could be done at the final plat stage. He said that they don't have any flood information on that. He said that would be studied in connection with the final plat. He said that the next issue was the alignment of the left turn lane of the north entrance with Clay Center Road. He said that the petitioner had aligned the entrance of Ditch Road with Preswick Lane and the North Entrance with Clay Center Road. He commented that the next comment was that sideload garages should not encroach into easements. He said that the petitioner had setback lines on the preliminary plat, which address this issue. He said that the petitioner was happy to make an additional commitment if the committee should feel at final plat time that they need to further address this. He said that a comment was made about a half right of way of fifty feet. He said that the thoroughfare plan for the subdivision requires a total Right-of-Way width of forty feet with in the subdivision. He said that the petitioner's plat shows a fifty foot total right of way. He said that there are no requirements on the internal streets for a one hundred foot total right of way. He said that Ditch Road is a collector road and it requires an eighty-foot total right of way and he said that the petitioner had provided for a forty-foot half right of way. He said that 116th street is a primary parkway. He said that is a one hundred and forty foot total right of way with a half right of way being seventy feet. He said the petitioner has provided that under the plat as well. Paul Reis said that the petitioner feels that they have provided sufficient right of way pursuant to the ordinance and subdivision control ordinance and thoroughfare plan.

Paul Reis discussed the various subdivision waivers that the petitioner was requesting. He elaborated on not putting in stub streets due to not wanting to create dead end streets. He discussed the proposed landscape buffers and how they were intending to separate the traffic impact from the home lots in light of the subdivision waiver. He said that the petitioner believes that the best design is to allow the two lots on Ditch Road not to front the street, but to have the side yard toward the

street.

Rick Ripma opened the floor for public comments.

Janice Foster, who lives at the corner of 116th and Ditch Road, commented that this is a unique opportunity for Carmel to keep Carmel among the front running places to live. She said that there are a lot of one-acre lot places to live in Carmel. She commented that there were not very many three to five acre lot places to live in Carmel. She said that this is the nucleus of an area like that. She said that this is an opportunity to have this addition to the salability of the City. She said that no one wanted added traffic. She commented that the uniqueness of the area, the quality of the living in the area should be maintained. She said that there are plenty of subdivisions that look just like the one that is proposed. She said that Carmel should try for something different for this area. She commented that she is speaking for a lot of her neighbors, but that not everyone gets notified because of the law. She said that she had a question for the Committee. She asked if the project should be defeated, then what would happen. She asked if the project would have to be re-filed under the new law.

Angie Conn responded that it would be a whole new petition and would be subject to the requirements of the new standard written in the ordinance.

Janice Foster said that she thinks that is what she is requesting.

Rick Ripma said that there are certain parameters that the Plan Commission has to abide by. He commented that if they meet the ordinance that was in effect when the project was filed, then the project cannot be turned down. He said that if they did turn it down and it met the ordinances, then the petitioner could come back at the Plan Commission with a lawsuit. He said that if it meets the parameters, then the Plan Commission doesn't really have a choice.

John Molitor added that it's not a matter over which the committee has absolute discretion. He said that it is the Commission's job to compare what is submitted to the standards of the ordinance and determine based upon the checklist of all of those standards—there are a couple hundred in the ordinance—if it complies in every respect. He said that if it does, then Commission must give approval. He commented that the petitioner is requesting three different waivers. He said that those are areas where it does not conform to the ordinance, so the Commission is under no obligation to approve those.

Janice Foster clarified that everything else does meet the ordinance and that the three waivers were the only parts of the petition that didn't meet the standards.

John Molitor said that was the job of the Plan Commission to verify that.

Rick Ripma called for staff comments.

Angie Conn said that regarding the cul-de-sac length; the staff supports this waiver from the perspective that it is a better alternative than having a road cross the actual floodplain. She said that

regarding the last two subdivision waivers; the staff does not support these requests. She said that staff feels that the petitioner should explore the stub street to the East and also provide commitments on the side elevations of the homes, whether they'll be full brick. Petitioner should provide a perspective view from the subdivision to the street showing the landscape buffering, and if the petitioner is going to provide any sort of brick wall of fencing to mitigate the view of the sides of houses. She said that all of the comments provided from the City of Carmel Engineering should be addressed. She noted that this is the Primary Plat process where the committee is reviewing it and making it the best it can be. She said that since the petitioner did not provide all that information, the Department has to recommend that the Committee continue this request.

Rick Ripma called for questions and comments from the Committee.

Dan Dutcher said that he is not sure that the Committee has seen a request for a stub street that leads to a property that is developed. He noted that it is an estate property to the East and then, of course, Queens Manor in the other direction. He said that he wants to question the request for the stub because he's not sure that in his time on the Plan Commission that there has been a request for a stub that relates to adjacent property that has already been developed.

Angie Conn said that in going back and looking at the large tracks of farmland. Those large tracks of land have or had a house on them at one time, but over time they were split into subdivisions. She said there is always the potential for very large parcels of land to be split into smaller properties.

Dan Dutcher said that in his mind he could distinguish farmland as more undeveloped property than in this case with the estate property. He said that was just one question he had.

Rick Ripma asked the petitioner to clarify which lots were going to be affected by the 200-foot subdivision waiver.

Paul Reis responded that it was all of them that were adjacent to Ditch Road and also all of the lots that are adjacent to 116th street. Paul Reis said that looking at the Subdivision Control ordinance, it basically says that the petitioner is to address the issues to reduce the impact of traffic by one of four means. He said that all but one of them require that the lots be designed so that they are not less than two hundred feet. He said that there is one that says by designing lots having access only from a parallel local street or cul-de-sac and with vehicular access to such lots from the thoroughfare prohibited by means of a non-access easement of at least five feet in width running along side the thoroughfare. He said that what the petitioner is proposing is that, not only do they have over five feet of non-access for two of those lots and for all of those lots on 116th street, that they are actually really close to meeting design option number three of the four options. He said that his interpretation is that there are four different things that can be done, but that the overall intent of that section of the Subdivision Control ordinance is to lessen the impact of the traffic and to separate the through traffic from the other traffic. He said that he doesn't view option number four—which says to design the lots so that they are located not less than two hundred feet—as the sole requirement under Section 6.03.19.

Rick Ripma said that he thinks that part of that, and his opinion of that, is that the Plan Commission does not want to look at a bad part of the house. He said that in the past, the Committee and

Commission have required a detailed landscape plan in that area to show that it is being taken care of. He said that looking at the plan, he sees several ways that the plan could be designed.

Discussion ensued about whether the secondary plat process would bring the plat back to the Committee or not.

Rick Ripma said that the Committee would like to see a commitment on the landscaping that will be done, and a drawing showing what the subdivision will look like from the street looking into the houses. He said that the Committee wants to know that there will be enough landscaping to help block before they grant the waiver.

Paul Reis noted that there is a bufferyard requirement enforced by the Urban Forester.

Rick Ripma said that the Committee wants more and that in the past, before granting this waiver, they have required more landscaping to help block. He said that in the past, the Committee has also required some sort of masonry commitment and that the chimney chase to be the same unless they are internal. He said that the Committee wants to know what it is going to look like before he would feel comfortable moving forward with it.

Paul Reis asked the Committee if they would consider a commitment by the petitioner that if they decide to move forward with a final plat that they would come back to the Plan Commission for complete review of all plans. He said that the petitioner would make the commitment to the full Plan Commission that they would come back.

John Molitor said that was okay. He said that the way the City of Carmel process works is that the Plan Commission has delegated to the Staff to grant final approval of a secondary plat as when there are no issues between the Department and the Developer. He said that if the Developer here wants to say that they will essentially waive the opportunity to get it approved by staff and instead have it go through the Commission process, he said that he thinks that's okay.

Rick Ripma asked if it was any more requirement on the Plan Commission or if it took anything away.

John Molitor said that the Plan Commission is constrained by the ordinance.

Dan Dutcher said that he thinks it's important because he didn't think that the Plan Commission had ever seen a project with this initial approach where the Plan Commission is banking on the secondary phase answering a lot of the hanging issues. He said that he thinks his comfort level goes up significantly with the commitment that this project come back to the Plan Commission to deal with those hanging issues. He said especially how it relates to those subdivision waivers that are being requested. He said that he is a little unsure of how much accountability the developer will have or how much leverage the Plan Commission will have once the project is approved without some additional commitments that we are normally asking developers to provide as a condition to granting the waiver.

John Molitor said that perhaps the Committee would like to ask the developer to commit to going through an ADLS review with respect to those lots that are subject to the waiver.

Dan Dutcher said that landscaping issue in general is a concern because the Committee has seen no details at all about the landscaping. He said that specifically as it relates to those lots that are subject to the waiver requests, he said that he thinks that the ADLS suggestion is a good one if the petitioner would be willing to consider that.

Paul Reis said that it is misleading and he is hesitant to put together plans to submit for the Committee to look at because the petitioners are not developers. He doesn't want to put together something and then have changes made later. He said that he is happy to do the ADLS because he said that the area is unique and he said that the petitioner is very concerned about what type of homes are going to be going in there anyway. So, he said that he is very happy to make the commitment to bring it back to Committee and Full Plan Commission for a secondary plat and an ADLS review.

Kevin Heber asked what was going to be worked out later and what was going to be worked out now. He said that he would like to see a leaf on aerial photo. He doesn't want to see a lot of mature trees taken down by the creek and he said that right now it looks like the pond should be in the bald spot.

Mike DeBoy said that he knows that there is going to be detention down in the creek area. He said that at some point, if the property is ever developed, the developer would probably have the same concerns and want to maintain those very mature trees. He said that he thinks that there is sufficient ground down in there that a pleasing design that minimizes the amount of vegetation and mature trees that would be taken down can even be made as a commitment. He said that if the petitioner is coming back for the secondary plat, then they can review the plan at that time. He said that is the key that the petitioner will come back before any dirt is moved.

Paul Reis added that the exact and best location of the retention pond will be determined after environmental studies are done. He said that is the key to coming back, so those details can be worked out. He said that if the retention pond location needs to be juggled to save trees, then it's probably in the best interest of the developer anyway. It adds value to the lots.

Dan Dutcher added that part of the landscaping plan would include a tree preservation plan, as well.

Kevin Heber said that another detail, which he thinks would be really neat, is some sort of bike path connecting the two cul-de-sacs through the common area. He said that there are a lot of subdivisions, which actually thread the paths through the lots, which would basically traverse the common area and go back and thread the paths through the lots along the other cul-de-sac as well. He said that he would really like to see that.

Discussion ensued about providing the bike path and possible locations of such a path.

Janice Foster asked the Committee if the neighbors would receive public notice when the secondary

plat went before the Plan Commission again.

Rick Ripma deferred the question to Angie Conn.

Angie Conn responded that secondary plats do not require public notice and that ADLS reviews do not require public notice, but are heard before the full Plan Commission.

Paul Reis said that they would give them public notice.

Rick Ripma said that they were going to include that so it would include public notice.

Paul Reis said that it should just be a public meeting.

Dan Dutcher made formal motion to send Docket numbers 05030024 PP, 05110011 SW 6.03.07-Cul-de-Sac Length, 05110013 SW: 6.03.19 —Access to Arterials, Parkways, and Collectors, 05110014 SW: 6.05.07— Lots located adjacent to arterial, parkway, or collector streets to the full Plan Commission with a **favorable recommendation with the following conditions:**

- 1.) That the secondary plat review process include the participation of the full Plan Commission and Sub-committees as appropriate,
- 2.) That the process also include ADLS review including landscaping for the entire subdivision, as well as a tree preservation plan,
- 3.) That the process include an ADLS review specifically for the lots that are affected by the waiver requests, that that process include resolutions to the issues identified by the Department Report—Flood Control, tree preservation, etc.,
- 4.) and that the secondary plat include a common recreation path to be incorporated in the existing drive, and that the secondary plat process include full notification to neighbors and other interested parties, consistent with what a normal request would include.

Kevin Heber seconded the motion.

Motion was approved 3-0.

4. Docket No. 05100008 CPA: Comp Plan Amendment – Civic Design Policies

The applicant seeks to amend the Carmel/Clay Comprehensive Plan in order to add Civic Design policies.

Filed by the Carmel Department of Community Services.

Present for the Petitioner: Adrienne Keeling with the City of Carmel Department of Community Services.

Petitioner's Presentation: Adrienne noted that in the packets, the Committee members should have received a resolution, which loosely outlines the terms of the adoption. She said that the intent was really to recognize the efforts and education process of the Urban Design Initiative. She said that she was told that the only formal way for the Plan Commission to recognize it was to adopt it as a Comprehensive Plan amendment. She said that she didn't want to bind the Plan Commission or

the City Council into implementing any specific thing in the Civic Design document, but rather, for the Plan Commission members and City Council to use it as a guide, use it to start conversations, and to use it to get ideas from for the areas of Carmel's central core. She noted that she would be happy to make any changes to the resolution that the Committee would see fit.

Dan Dutcher asked if the Civic Design document were to be added to the Comprehensive Plan as an amendment, to what extent, then, would the Plan Commission be bound to employ the information. He asked if it would be more of a guide or if it would be something to which the Plan Commission is committed and must evaluate and apply those standards to the various projects.

Adrienne Keeling responded that regardless of whether the Civic Design document is attached to it or not, the Comprehensive Plan is designed to function as a guide. She said that there have been some recent questions about the role of Comprehensive Plans. She noted that Comprehensive Plans are required by State Law in order for local jurisdictions and municipalities to have zoning. She said that it is a little less clear that the Comprehensive Plan actually has to match the zoning and vice versa. She noted that the City of Carmel is beginning the process of updating the Comprehensive Plan and folding in all of the studies that have been done since 1995. She said that part of the update is to fold all of those documents into one Comprehensive Plan, clean it up, and make it one format. She noted that they would have another round at officially giving input on the plan that would be more official than just adopting the Civic Design document as a guide.

Dan Dutcher clarified that it would be a concept and would be considered for more formal incorporation into the updated plan.

Adrienne said that the resolution would always be attached to the Civic design document.

Dan Dutcher said that he definitely supports the Civic Design document in principle. He said that it is how the City of Carmel puts it to work that remains the challenge.

Discussion ensued about Comprehensive Plans being used as a guide in decision-making for the City.

Rick Ripma asked if the Civic Design document and resolution were adopted as an amendment to the Comprehensive Plan, is that saying that you agree with everything in it.

Adrienne responded that it is saying that it should be used as a guide.

John Molitor clarified that the language reads, "shall give consideration to". He said that is even less strong language than saying, "should be guided by".

Rick Ripma said that he is not against the plan. He said that it scares him to put anything out there that says that Carmel is looking at transit. He said that he acknowledges that there may be a point in the future where it would make sense.

Discussion ensued about potential situations in which mass transit might be necessary.

John Molitor said that he has never seen a lawsuit where the Comprehensive Plan was used as a hammer to get something done. He said that it is usually the other way around where there's case law that says that the Council is not bound by the Comprehensive Plan.

Dan Dutcher said that he didn't read the Civic Design document to say that buses are the answer. He said that what he did read it to say was that as the urban core is developed, transportation becomes more of an issue.

Discussion ensued about potential mass-transit options for Carmel.

Dan Dutcher made formal motion to send docket number 05100008 CPA: Comp Plan Amendment-Civic Design Policies to the full Plan Commission with a **favorable recommendation**.

Motion was seconded.

Motion was approved 3-0.

Rick Ripma adjourned the meeting at 7:36p.m.